

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JIAJIE ZHU,
Plaintiff,
v.
JING LI, et al.,
Defendants.

Case No. 19-cv-02534-JSW

**ORDER TO SHOW CAUSE
REGARDING PLAINTIFF'S MOTION**

Re: Dkt. No. 177

Plaintiff has filed a motion seeking to modify the proposed statement of the case to eliminate the element of contributory negligence and to prohibit Defendants from asserting a defense of contributory negligence. The proposed statement of the case to which Plaintiff refers is included as part of the Court's proposed voir dire for jury selection, which is scheduled for March 22, 2023.

Plaintiff has objected to language that was submitted by the parties in a *joint* statement, filed on September 12, 2022, and adopted by the Court as part of its proposed voir dire on January 30, 2023. (*See* Dkt. Nos. 124, 153.) Objections to the proposed voir dire were due on February 3, 2023, and Plaintiff did not object to the inclusion of this language. Plaintiff also did not raise an objection at either of the pretrial conferences. Moreover, to the extent Plaintiff is arguing that the defense of contributory negligence should be precluded as a matter of law, that issue could have been the subject of a motion for summary judgment or a motion *in limine*.

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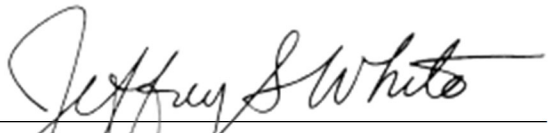
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1 Accordingly, Plaintiff is HEREBY ORDERED TO SHOW CAUSE why the Court should
2 entertain his motion at this late stage. Plaintiff shall file a written response to this Order by no
3 later than Friday, March 17, 2023, at 3:00 p.m. Defendants may file a response by no later than
4 11:00 a.m. on March 20, 2023.

5 **IT IS SO ORDERED.**

6 Dated: March 16, 2023

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8 JEFFREY S. WHITE
9 United States District Judge
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